

1 **LAW OFFICE OF GREGORY T. PARZYCH**

2 Gregory T. Parzych, Bar ID. 014588

3 2340 West Ray Road, Suite 1

4 Chandler, Arizona 85224

Telephone (480) 831-0200

Attorney for the Defendant

gparzlaw@aol.com

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FILED WITH THE CLERK

BY: V. REISINGER

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

6 INA AND FOR THE COUNTY OF YAVAPAI

7 STATE OF ARIZONA

8 Plaintiff,

9 vs.

10 STEVEN CARROLL DEMOCKER

11 Defendant.

No. P1300CR201001325

RESPONSE TO STATE'S MOTION FOR
RECONSIDERATION

(Oral Argument Requested)

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14 COMES NOW THE DEFENDANT, by and through his attorney
15 undersigned, and Responds to the State's Motion For Reconsideration.

16
17 MEMORANDUM

18 The State's Motion For Reconsideration is similar to the State's Motion For
19 Admissible Evidence filed on July 29, 2011. Most, if not all, of the State's
20 arguments have been addressed, argued, re-argued and denied. As Defendant
21 argued in his Response filed on August 15, 2011, Rule 16.1(d) and Rule 35.1,
22 Arizona Rules of Criminal Procedure provide that the State's Motion For
23 Reconsideration should be once again denied. "Except for good cause, or as
24 otherwise provided by these rules, an issue previously determined by the court *shall*
25 *not be reconsidered.*" Rule 16.1(d), Arizona Rules of Criminal Procedure
26 (emphasis added.)

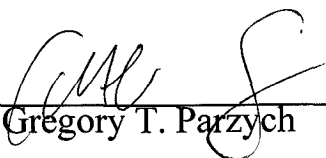

1 disclosure but also because, as the court stated, "I still see some other issues with
2 regard to relevance, cumulative, and those sorts of things." (State Exhibit 6, April
3 13, 2010, transcript p. 46, l. 21-22.) No good cause has been shown as to why this
4 ruling should be changed.

5 **Search for carbon monoxide**
6

7 On January 15, 2010, the Trial Court made specific findings after conducting
8 a Rule 403, Arizona Rules of Evidence, balancing of probative value vs. prejudicial
9 effect. Once again, the State offers nothing more than an unsolicited re-argument.
10 The ruling should not change. (State exhibit 7.)

11 Again, the State is seeking to re-argue motions it has previously lost without
12 provided any good cause as to why those ruling should change. As such, this Court
13 should deny the State's motion in its entirety.
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15 Respectfully submitted this 6 day of February, 2012.

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17 By  
18 Gregory T. Parzych
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1 Original of the foregoing pleading
filed this 6 day of February, 2012, to:

2 Clerk of Court
Yavapai County Superior Court
3 120 South Cortez St.
Prescott, Arizona 86303
4

5 Copy of the foregoing pleading
e-mailed this 6th day of February, 2012, to:

6 The Honorable Gary E. Donahoe
The Honorable David L. Mackey
7 120 S. Cortez
Prescott, AZ 86303
8

9 Jeffrey Paupore, Steve Young,
Office of the Yavapai County Attorney
255 E. Gurley Street, Suite 300
10 Prescott, AZ 86301

11 
12 By _____
13 Gregory T. Parzych